



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Andre Jestin et al.

Title: CIRCOVIRUS SEQUENCES ASSOCIATED WITH PIGLET  
WEIGHT LOSS DISEASE (PWD)

Appl. No.: 10/718,264

Filing Date: November 21, 2003

Examiner: To Be Assigned

Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the Examiner's attention the documents on the attached forms PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This application is a continuation of U.S. Application No. 09/514,245 filed February 28, 2000, now U.S. Pat. No. 6,703,023, which application is a continuation in part of PCT Application No. PCT/FR98/02634, filed December 4, 1998.

**A. Documents**

Copies of the listed documents B1 to B88 are attached. The documents B1 was submitted in the parent case, U.S. Application No. 09/514,245, now U.S. Pat. No. 6,703,023, and copies of those documents are not submitted here.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

## **B. Non-English Language Documents**

**French Patent Application Publication No. 2 422 956** (11/09/1979) (B7): Attached with this filing is a Derwent Abstract of this document (B86). An English language counterpart to this application is U.S. Patent No. 5,605,800.

**French Patent Application Publication No. 2 518 755** (06/24/1983) (B8): Attached with this filing is a Derwent Abstract of this document (B87). An English language counterpart to this application is U.S. Patent No. 5,988,825.

**German Patent Application Publication No. 10044648** (3/23/2002) (B13): Attached with this filing is a Derwent Abstract of this document (B88). An English language counterpart to this application is U.S. Patent No. 6,573,081.

## **C. Conclusion**

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents are not "prior art" under United States law, then Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Examiner is invited to contact the undersigned if any questions may be resolved by a telephone conference.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.


Respectfully submitted,

Date May 14, 2004

FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By

  
Amy M. Roullier, Reg # 47,033  
for Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   | <b>Application Number</b>     | 10/718,264     |
| May 14, 2004   |   | <b>Filing Date</b>            | 11/21/2003     |
| (use as many sheets as necessary)                        |   | <b>First Named Inventor</b>   | André JESTIN   |
|  |   | <b>Group Art Unit</b>         | 1648           |
|  |   | <b>Examiner Name</b>          | To Be Assigned |
|  |   | <b>Attorney Docket Number</b> | 042049-0105    |
| <b>Sheet</b>   | 1 | <b>of</b>                     | 6              |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                    | B1.                   | 6,497,883            |                                   | Michel et al.                                   | 12-24-2002                                       |   |
|                    | B2.                   | 6,517,843            |                                   | Albert et al.                                   | 02-11-2003                                       |   |
|                    | B3.                   | 6,143,334            |                                   | Gordon et al.                                   | 11-07-2000                                       |   |
|                    | B4.                   | 2002/0177216         |                                   | Phillip et al.                                  | 11-28-2002                                       |   |
|                    | B5.                   | 2002/0106639         |                                   | Wang et al.                                     | 08-08-2002                                       |   |
|                    | B6.                   | 2002/0055189         |                                   | Bernhardt et al.                                | 05-09-2002                                       |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
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|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |  |   |                |
|                    | B7.                   |                         | FR 2 422 956        |                                   | Institut Pasteur                                 | 11-09-1979                                       |   |                |
|                    | B8.                   |                         | FR 2 518 755        |                                   | Institut Pasteur                                 | 06-24-1983                                       |   |                |
|                    | B9.                   |                         | WO 90/11092         |                                   | Vical, Inc.                                      | 10-04-1990                                       |   |                |
|                    | B10.                  |                         | WO 94/27238         |                                   | MDS Health Group Ltd.                            | 11-24-1994                                       |   |                |
|                    | B11.                  |                         | WO 95/11307         |                                   | Institut Pasteur                                 | 04-27-1995                                       |   |                |
|                    | B12.                  |                         | WO 00/77188         |                                   | Meril  | 12-21-2000                                       |   |                |
|                    | B13.                  |                         | DE 10044648         |                                   | Aventis Behring GmbH                             | 03-21-2002                                       |   |                |
|                    | B14.                  |                         | WO 01/96377         |                                   | Purdue Research Foundation                       | 12-20-2001                                       |   |                |
|                    | B15.                  |                         | WO 02/102999        |                                   | Univ. Melbourne                                  | 12-27-2002                                       |   |                |

**NON PATENT LITERATURE DOCUMENTS**

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|--------------------|-----------------------|--|----------------|
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|                    | B17.                  | Barany, F., 1991, PNAS. USA, 88: 189-193.  |                |
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|                    | B20.                  | Burg, J.L. et al., 1996, Mol. and Cell. Probes, 10: 257-271.   |                |
|                    | B21.                  | Chu, B.C.F. et al., 1986, NAR, 14: 5591-5603.  |                |
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|  |   |    |   | Group Art Unit           | 1648           |
|  |   |    |   | Examiner Name            | To Be Assigned |
| Sheet  | 3 | of | 6 | Attorney Docket Number   | 042049-0105    |

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|                                 | B33.                  | Fraley et al., 1980, J. Biol. Chem., 255: 10431-10435.   |                |
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| Sheet  | 4 | of                       | 6              |

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|                                 | B47.                  | Kohler, G. & Milstein, 1975, Nature, 256(5517): 495-497.   |                |
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|                                 | B58.                  | Nayar, G.P. et al., 1997, Can. Vet. J. 38(6): 385-386.   |                |
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|                                 | B62.                  | Sambrook, J. et al., 1989, Molecular cloning: A Laboratory Manual. Cold Spring Harbor, NY: Cold Spring Harbor Laboratory Press.  |                |
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|  |   | Application Number       | 10/718,264     |
|  |   | Filing Date              | 11/21/2003     |
|  |   | First Named Inventor     | André JESTIN   |
|  |   | Group Art Unit           | 1648           |
|  |   | Examiner Name            | To Be Assigned |
| Sheet  | 6 | of                       | 6              |
|  |   | Attorney Docket Number   | 042049-0105    |

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